

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

AARON CORDERO COLE,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:17-cv-00149-MHH-SGC
)	
SCOTT CARDWELL, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

On October 26, 2017, the magistrate judge entered a report in which she recommended that the Court dismiss petitioner Aaron Cordero Cole's 28 U.S.C. § 2254 petition for writ of habeas corpus because Mr. Cole has not exhausted his state court remedies. (Doc. 7).¹ The magistrate judge informed Mr. Cole that he had a right to object to the report within 14 days. (Doc. 7, pp. 5-6). To date, Mr. Cole has not filed objections to the report and recommendation.

A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d

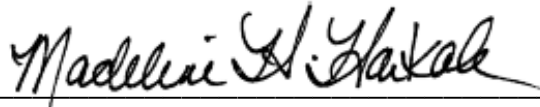
¹ In the report, the magistrate judge stated, alternatively, that Mr. Cole failed to state a claim for habeas relief in his petition. (Doc. 7). The Court does not reach the alternative finding because the Court dismisses this petition based on Mr. Cole's failure to exhaust state court remedies that were available to him.

776, 779 n.9 (11th Cir. 1993); *see also* *LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).²

The Court finds no errors of law or fact in the magistrate judge's conclusion that Alabama provides a process for challenging a parole revocation, and Mr. Cole did not use that process to exhaust his challenges to the revocation before he filed his federal habeas petition. (Doc. 7, pp. 2-3). Therefore, the Court will dismiss Mr. Cole's § 2254 petition for writ of habeas corpus for failure to exhaust state court remedies.

The Court will enter a separate final order.

DONE and **ORDERED** this December 15, 2017.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE

² When a party objects to a report in which a magistrate judge recommends dismissal of the action, a district court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. §§ 636(b)(1)(B)-(C).